

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

SCALLOP SHELL NURSING &  
REHABILITATION

v.

CA 13-471 ML

LEWIS H. GAFFETT

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

MEMORANDUM AND ORDER

This matter is before the Court on crossclaim Plaintiff's (Plaintiff) Objection to a Report and Recommendation issued by Magistrate Judge Sullivan on September 20, 2013 (Docket #11). This Court notes that Plaintiff also seeks "reconsideration of the recommended order." Plaintiff, however, does not address any standard or legal basis for reconsideration by the Magistrate Judge. Accordingly, this Court denies that request.

Having reviewed the pleadings, the Report and Recommendation, and Plaintiff's Objection, this Court agrees with the legal conclusions of the Magistrate Judge; i.e., that this Court lacks subject matter jurisdiction. The crossclaim is DISMISSED without prejudice pursuant to F.R. Civ. P. 12(b)(1).

SO ORDERED:

/s/ Mary M. Lisi

Mary M. Lisi  
Chief United States District Judge  
October 10, 2013